

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ANTONIO MOLINA, ET AL.,

22-cv-9753 (JGK)

Plaintiffs,

ORDER

- against -

PKFM CO. LLC, ET AL.,

Defendants.

JOHN G. KOELTL, District Judge:

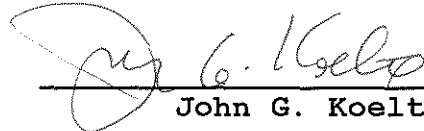
On May 30, 2023, after receiving notification of a proposed settlement in this action asserting claims under the Fair Labor Standards Act ("FLSA"), the Court directed the parties to submit their settlement proposal for a fairness review and judicial approval pursuant to Cheeks v. Freeport Pancake House, Inc., 796 F.3d 199 (2d Cir. 2015). See ECF No. 25. On June 29, 2023, the plaintiffs instead filed a notice of acceptance of an offer of judgment made pursuant Federal Rule of Civil Procedure 68, which provides that a court "must . . . enter judgment" once such a notice is properly filed. Fed. R. Civ. P. 68(a); see ECF No. 26. The Second Circuit Court of Appeals has held that a Cheeks review and judicial approval of a settlement "is not required of Rule 68(a) offers of judgment settling FLSA claims." Mei Xing Yu v. Hasaki Rest., Inc., 944 F.3d 395, 414 (2d Cir. 2019).

Accordingly, the Court has signed the proposed judgment reflecting the accepted Rule 68 offer. Judgment will be entered contemporaneously with this Order.

SO ORDERED.

**Dated: New York, New York
June 29, 2023**

30



John G. Koeltl
United States District Judge